

**INSTRUCTIONS FOR FCC 303-S
APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE
(FCC FORM 303-S ATTACHED)**

- A. This form is used to apply for renewal of license of a commercial or noncommercial educational AM, FM, TV, Class A TV, FM translator, TV translator, Low Power TV or Low Power FM broadcast station. Generally, an applicant may list only one broadcast station license on Form 303-S. However, an applicant may seek the joint renewal of its primary FM, TV, or LPTV station license and any associated FM translator or TV translator stations which share a common license expiration date. *See* 47 C.F.R. Section 73.1020.
- B. FCC Form 303-S consists of Sections I, II, III, IV and V. Those sections which do not apply to the station license being renewed should not be submitted as part of your application. Submit relevant sections only.

All applicants must complete and submit Sections I and II of this form. AM and FM radio applicants must also submit Section III. TV and Class A TV applicants must submit Section IV. FM Translator, TV Translator and Low Power FM applicants must also complete Sections V.

Applicants seeking to renew the licenses of both a translator (FM or TV) and a co-owned primary FM, TV or LPTV station on the same form should complete and submit sections I, II, III, and IV of this form.

- C. References to FCC Rules are made in this application form. Before filling it out, applicant should have on hand and be familiar with the current broadcast, translator, LPTV and LPFM rules, which are contained in 47 Code of Federal Regulations (C.F.R.):
- (1) Part 0 "Commission Organization"
 - (2) Part 1 "Practice and Procedure"
 - (3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
 - (4) Part 73 "Radio Broadcast Services"
 - (5) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 518-1800 or 1-866-518-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

D. Electronic Filing of Application Forms. The Commission is currently developing electronic versions of various broadcast station application and reporting forms, such as this application form. As each application form and report goes online, the Commission will, by Public Notice, announce its availability and the procedures to be followed for accessing and filing the application form or report electronically via the Internet. For a six-month period following issuance of this Public Notice, the subject application form or report can be filed with the Commission either electronically or in a paper format. Electronic filing will become mandatory, on a form-by-form basis, six months for each application form or report becomes available for filing electronically.

E. Applicants should provide all information requested by this application. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. Section 73.3564(b).

F. In accordance with 47 C.F.R. Section 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.

G. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions and worksheets provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria that the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be substitutes for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions and worksheets, they are not required to complete or retain any documentation created or collected to complete the application. See Section II, Item 1.

H. This application is presented primarily in a "Yes/No" certification format. However, it contains places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus a "no" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.

I. Except as specifically noted to the contrary in Form 303-S or these instructions, each certification covers the entire license term. However, if the station license was assigned or transferred during the subject license term pursuant to a "long-form" application on FCC Form 314 or 315, the renewal applicant's certifications should cover only the period during which the renewal applicant held the station's license.

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

Item 1: Legal Name of Licensee. The name of the applicant must be stated exactly in Item 1. If the applicant is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of the executive officer, his/her office, and the name of the association; and if an individual applicant, the person's full legal name.

Applicants should use only those state abbreviations approved by the U.S. Postal Service.

Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can also obtain your facility ID number by calling: Radio (202) 418-2700, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

FCC Registration Number (FRN). To comply with the Debt Collection Improvement Act of 1996, the applicant must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORE@fcc.gov> or by calling 1-877-480-3201.

Item 2: Contact Representative. If the applicant is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified in Item 2.

Item 3: Fees. By law, the Commission is required to collect charges for certain regulatory services it provides to the public. Generally, applicants seeking to renew the license for a commercial AM, FM TV, Class A TV, FM translator, TV translator or Low Power TV station is required to pay and submit a fee with the filing of FCC Form 303-S. However, government entities, which include any possession, state, city, county, town, village municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees of noncommercial educational radio or television broadcast stations. (This includes licensees of noncommercial educational FM and full service TV broadcast stations seeking renewal of the licenses for their translator or low power TV stations provided those stations operate on a noncommercial educational basis. Low Power TV or TV Translator stations that rebroadcast the programming of a primary noncommercial educational station, but are not co-owned by the licensee of such a station, are required to file fees. Renewal applications that earlier obtained either a fee refund because of an NTIA facilities grant for the stations or a fee waiver because of demonstrated compliance with the eligibility and service requirements of 47 C.F.R. Section 73.503 or Section 73.621, and that continue to operate those stations on a non-commercial basis, are similarly exempted from this fee. See 47 C.F.R. Section 1.112. To avail itself of any fee exemption, the renewal applicant must indicate its eligibility by checking the appropriate box in Item 3, Section I. FCC Form 303-S applications not involving the payment of a fee must be hand-delivered or mailed to the FCC's Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). Do not send fee exempt applications to Mellon Bank, because it will result in a delay in processing the application.

When filing a fee-exempt application, an applicant must complete Item 3 and provide an explanation as appropriate.

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of mandatory electronic filing procedures, all paper-form FCC Form 303-S applicants requiring the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 303-S should be mailed or otherwise delivered are also set forth in the "Media Bureau Fee Filing Guide." This document can be either obtained by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling 1 800-418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

Payment of any required fee must be made by check, bank draft, money order, or credit card. If payment is by check, bank draft, or money order, the remittance must be denominated in U.S. dollars, drawn upon a U.S. institution, and made payable to the Federal Communications Commission. No postdated, altered, or third-party checks will be accepted. **DO NOT SEND CASH.** Additionally, checks dated six months or older will not be accepted.

Procedures for payment of application fees when applications are filed electronically are available on the electronic filing system. Payment of application fees for paper-filed applications may also be made by Electronic Payment provided that prior approval has been obtained from the Commission. Applicants interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Applicants hand-delivering FCC Forms 303-S may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee, or the payment of the fee, applicants should consult the "Media Bureau Services Fee Filing Guide."

Item 4: Purpose of Application. This question requires that the applicant identify the purpose of the application and should identify whether a renewal is being filed or an amendment to a pending renewal is being filed.

Item 5: Facility Information. This question requires that the applicant identify whether it is licensed by the Commission as a commercial or noncommercial educational licensee. A licensee that merely elects to operate its station on a noncommercial basis is not considered to be a noncommercial educational licensee.

Item 6: Service and Community of License. The facility should be described by its service, call letters, and specific community of license or area as listed on the station's existing license. See 47 C.F.R. Section 74.1201(a), 74.701(a) and 74.701(f) for definition of an FM Translator, TV Translator and Low Power TV broadcast stations respectively. For purposes of Item 6a, AM, FM or TV stations, the location of the facility should be described in terms of the specific city or community to which the

station is licensed. Translator and Low Power TV stations should specify the area the stations are licensed to serve.

If the applicant seeks to renew the license **only** for an individual AM, FM, or TV translator, Low Power television, Low Power FM, or Class A TV station, the applicant should respond only to item 6a. The applicant should identify the appropriate service and list the station's call letters, facility identification number, community of license or area, and state.

If the applicant seeks the joint renewal for an FM or TV translator station or LPTV station and its co-owned primary FM, TV, or LPTV station, the applicant should indicate "Yes" to item 6b. and skip directly to item 7. The applicant should provide information with regard to such translator station for which renewal is sought in response to Section V below.

Item 7: Other Authorizations. This question must be completed by a radio or television renewal applicant seeking to continue its authority to operate an FM Booster or TV Booster station in conjunction with the primary station. The FM or TV Booster station should be described in terms of its call letters and the name of the specific community which it serves.

INSTRUCTIONS FOR SECTION II: LEGAL INFORMATION

Item 1: Certification. Each applicant is responsible for the information that the application, instructions and worksheets convey. As a key element in the Commission's streamlined licensing process, a certification that these materials have been reviewed and that each question response is based on the applicant's review is required.

Items 2 and 3: Character Issues/Adverse Findings. Item 2 requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An applicant must disclose in response to Item 3 whether an adverse finding has been made with respect to the applicant or any party to the application regarding certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct that violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Items 2 and 3, applicants should review the Commission's character qualifications policies, which are fully set forth in Character Qualifications. 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response to Item 2a. or 2b. is "No," the applicant must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The applicant should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

In responding to Item 3, the applicant should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the assignee may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to item 3 is “No,” the applicant must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 C.F.R. Section 1.65(c), the applicant need only provide an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The assignee should also fully explain why the adverse finding is not an impediment to a grant of this application.

Item 4: FCC Violations During the Preceding License Term. Section 309(k) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(k), states that the Commission shall grant a license renewal application if it finds, with respect to that station, during the preceding license term, that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations by the licensee of the Communications Act or the Commission’s Rules; and (3) there have been no other violations of the Act or the Commission’s rules which, taken together, would constitute a pattern of abuse. This question asks the applicant to certify that, with respect to the station for which a renewal application is being submitted, there were no violations of the Communications Act or the Commission’s Rules. If the renewal applicant has violated the Act or the rules, it must respond “No” and submit an explanatory exhibit detailing the number and nature of the violations and the Commission adjudication.

For purposes of this license renewal form only, an applicant is required to disclose only violations of the Communications Act of 1934, as amended, or the Rules of the Commission that occurred at the subject station during the license term, as preliminarily or finally determined by the Commission, staff, or a court of competent jurisdiction. This includes Notices of Violation, Notices of Apparent Liability, Forfeiture Orders, and other specific findings of Act or Rule violations. It does not include “violations” identified by the station itself or in conjunction with the station’s participation in an Alternative Broadcast Inspection Program. Licensees are advised that the Commission may also consider other violations by the station that come to its attention in determining whether to grant this license renewal application.

Item 5: Alien Ownership and Control. Aliens, foreign governments and corporations, and corporations of which less than 80% of the capital stock is owned or voted by U.S. citizens are prohibited from holding a broadcast station license. Where a corporate licensee is directly or indirectly controlled by another corporation, of which any officer or more than 25% of the directors are aliens or of which less than 75% of that corporation’s stock is owned by or voted by U.S. citizens, the Commission must consider whether denial of renewal would serve the public interest. Licensees are expected to employ reasonable, good faith methods to ensure the accuracy and completeness of their citizenship representations.

Item 6: Anti-Drug Abuse Act Certification. This question requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988. 21 U.S.C. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A “Yes” response to Item 6 constitutes a certification that neither the applicant nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

With respect to this question only, the term “party to the application” includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership association’s and if the applicant is a partnership, all general partners and all limited partners, including both insulated and non-insulated limited partners, holding a 5 percent or more interest in the partnership.

INSTRUCTIONS FOR SECTION III: AM and FM Licensees Only

Item 1: Biennial Ownership Report.

This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 C.F.R. 73.3615. Each licensee of an AM, FM, and TV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) or 323-E (non-commercial) every two years on the anniversary of the date that its renewal application is required to be filed. Licensees owning more than one broadcast station with different anniversary dates need to file only one Report every two years on the anniversary of their choice, provided that they are not more than two years apart. A licensee with a current and unamended Report on file at the Commission may certify that it has reviewed its current Report and that it is accurate by validating electronically its previously filed report.

Note: FCC Form 323 and 323-E must be filed electronically. Paper versions of these forms will not be accepted for filing unless accompanied by an appropriate request for waiver of the electronic filing requirement.

Item 2: EEO Program

Each licensee of an AM, FM and TV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin, etc. *See* 47 C.F.R. Section 73.2080. Pursuant to these requirements, a licensee renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed.

Additionally, each licensee must place in the station’s public inspection file annually AND POST ON THE STATIONS’S WEBSITE, if any, a report containing lists of (1) all full-time vacancies filled during the proceeding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080 (c)(2) during the preceding year.

Item 3: Local Public File

Commercial and noncommercial educational AM and FM licensees must maintain certain documents pertaining to its station in a file that is to be kept at the station’s main studio or other accessible place in the

community of license. The file must be available for inspection by anyone during regular business hours. The documents to be maintained generally include applications for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; and quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months. A complete listing of the required documents and their mandatory retention periods is set forth in 47 C.F.R. Sections 73.3526 and 73.3527. Applicants who have not so maintained their file should provide an exhibit identifying the items that are missing/late filed, and identifying steps taken to reconstruct missing information, and to prevent such problems in the future.

Item 4: Discontinued Operation.

Section 312(g) of the Communications Act of 1934, 47 U.S.C. Section 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has no discretion to reinstate a broadcast license that has expired pursuant to Section 312(g). *See OCC Acquisition, Inc.*, 17 FCC Rcd 6147 (2002). Additionally, a station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. *See Letter to Idaho Broadcasting Consortium*, 16 FCC Rcd 1721 (M.M. Bur. 2001). Accordingly, this item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering "Yes" to this question, the applicant is considered to be certifying that (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, its license renewal application will be dismissed and the Commission's data base will be amended to reflect the expiration of the station's license.

Item 5: Silent Station

The Commission will not review the license of a station that is not broadcasting. *See Birch Broadcasting Corporation*, 16 FCC Rcd 5015 (2001). "Broadcasting" means "the dissemination of radio communications intended to be received by the public." 47 C.F.R. Section 153(6). Accordingly, this item requires the applicant to certify that its commercial AM or FM broadcast station is currently transmitting signals intended to be received by the public. An application may not answer "yes" to this question if the station is transmitting only "test signals."

Note: Noncommercial educational FM stations, while authorized for limited-time operation, are required to operate at least 36 hours per week, consisting of at least 5 hours of operation on at least 6 days of the week. Stations licensed to *educational institutions* are not required to operate on Saturday or Sunday or observe the minimum operating requirements during those days when school is not in session. 47 C.F.R. Section 561(a). [Licensees of noncommercial educational FM applicants adhering to these requirements may answer "yes" to this question whether or not the station is on the air on the particular day on which the license renewal application is submitted electronically.]

A non-commercial educational AM broadcast station is expected to provide continuous service except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, as well as the actual hours of operation during the entire license period, shall be taken into consideration in the renewal of the station's license. See 47 C.F.R. Section 73.1740(b).

Item 6: Environmental Effects

This question requests that the applicant certify that its facility is categorically excluded from environmental processing under Section 1.1306 of the Commission Rules. The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment ("EA") that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See Section 1.1307(b). In this regard, applicants are required to look at eight environmental factors. A proposal that implicates any of the eight factors requires that the renewal applicant respond "No" to item 6 and submit an EA as an exhibit to the application. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public from potentially harmful radiofrequency (RF) electromagnetic fields. Worksheet #1 includes both a general environmental evaluation including the source of information upon which a response to each question should be based, and specific sub-sections for RF exposure analysis. These pages are designed to facilitate and substantiate the certification. Their use is voluntary but strongly encouraged.

RF Exposure Requirements. In 1996, the Commission adopted guidelines and procedures for evaluating environmental effects of RF emissions. All applications subject to environmental processing filed on or after October 15, 1997 must demonstrate compliance with these requirements. These guidelines incorporate two tiers of exposure limits:

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Members of the general public are always considered under this category when exposure is not employment-related.

Occupational/controlled exposure limits apply to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. These limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above the general populations/uncontrolled limits as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or some other appropriate means.

The guidelines are explained in more detail in OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <http://www/fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, Qualex International, Room CY-B402, 445 12th Street, SW, Washington, D.C. 20504 (telephone: (202) 863-2893. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

The RF worksheets and tables appended to Worksheet #1 below will enable certain categories of stations to determine whether or not the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental Worksheet. Some, but not all, stations will

be able to use the RF worksheets. Generally, the RF worksheets can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure. See "RF Exposure Compliance Worksheet Instructions" for more detail on eligibility.

If after using the worksheets the applicant finds that levels will exceed the RF guidelines, levels may still be acceptable based on a more detailed evaluation of a number of variables (*e.g.*, antenna radiation patterns or measurement data). In that case, the applicant must submit an exhibit to the application that explains why the proposed facility does not exceed the RF radiation exposure guidelines at locations where humans are likely to be present, or describing measures or circumstances which will prevent or discourage humans from entering those areas where the RF exposure exceeds the guidelines (*e.g.*, fencing or remote location). The guidelines are explained in more detail in OET Bulletin 65.

If the applicant is not eligible to use the worksheets, it is not an indication that the proposed facility will cause excessive exposure. Generally, applicants that are not able to use the worksheets will need to utilize more complex calculations or measurements to demonstrate compliance. For this reason, applicants who are not eligible to use the worksheets should consider seeking the assistance of a qualified consulting engineer in determining whether the proposed facility will meet the RF exposure guidelines.

Should the applicant be unable to conclude that its proposal will have no significant impact on the quality of the human environment, it must submit an EA containing the following information:

1. A description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high-intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
2. A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) by zoning, planning, environmental and other local, state, or federal authorities on matters relating to environmental effects.
3. A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
4. A discussion of environmental and other considerations that led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects; and any alternative sites or facilities that have been or reasonably might be considered.
5. If relevant, a statement why the site cannot meet the FCC guidelines for RF exposure with respect to the public and workers.

The EA should also provide documentation for any feature of the site that has special environmental significance, *e.g.* for any factor causing the applicant to be unable to certify compliance with the Commission's environmental rules. A "checklist" for appropriate documentation to be submitted with the EA can be found on the Commission's website at <http://wireless.fcc.gov/siting/environmental-assessment.html>.

WORKSHEET #1: ENVIRONMENTAL

All applicants can use the General Environmental Worksheet. Some, but not all, applicants for AM, and FM facilities will also be able to use the RF worksheets. Generally, an AM or FM applicant can use the RF worksheets if: (1) it is the only user on its tower; (2) its station is one of several FM/FM translator stations located on a single tower; or (3) its station uses a multiple-tower AM array but no other user is co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by use of a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure.

If an applicant cannot use the RF worksheets, it may show its compliance with RF guidelines in other ways, as detailed in OET Bulletin 65.

If the worksheets indicate that an applicant exceeds acceptable RF levels, it does not necessarily mean that the proposed station does not or cannot meet the Commission's RF requirements. The worksheets are based on generalized "worst case" presumptions. It may be that a more individualized evaluation of the proposed station (possibly with the help of a consulting engineer) will demonstrate that RF levels are acceptable. Among the individual factors that may be relevant are antenna radiation patterns, actual RF measurements, barriers/precautions that prevent access to high RF areas, etc. These factors are also explained in OET Bulletin 65.

Applicants satisfying the RF requirements on the basis of such non-worksheet factors should submit a detailed explanation demonstrating their compliance. Otherwise, applicants should submit an Environmental Assessment, as explained in 47 C.F.R. Section 1.1311, explaining the environmental consequences of the proposed operation.

A. GENERAL ENVIRONMENTAL WORKSHEET

Commission grant of an application may have a significant environmental impact, thereby requiring an Environmental Assessment (EA), if you answer "Yes" to any of the following 8 items. A checklist for appropriate documentation to be submitted with the EA for each category receiving an affirmative response can be found on the Commission's website at <http://wireless.fcc.gov/siting/environmental-assessment.html>.

1. involves high intensity white lighting located in neighborhoods designated "residential" by the applicable zoning authority. ☐ Yes ☐ No
2. is located in an officially designated wilderness or wildlife preserve (consult data bases, maps, or request opinion of relevant state or federal agency). ☐ Yes ☐ No
3. threatens the existence or habitat of endangered species (consult with United States Department of the Interior, Fish & Wildlife Services for listed or proposed threatened or endangered species or designated/proposed "critical habitats"). ☐ Yes ☐ No
4. affects districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture that are listed in the National Register of Historic Places or are eligible for listing (consult appropriate state historic preservation offices). ☐ Yes ☐ No
5. affects Indian religious sites (Identify and consult with Indian Tribes whose religious site may be affected by the proposed tower construction). ☐ Yes ☐ No
6. is located in a floodplain (consult maps and databases of the Federal Energy Management Agency).

7. requires construction that involved significant changes in surface features (e.g., wetland fill, deforestation or water diversion) (consult pertinent topographic maps or contact United States Army Corps of Engineers).

☐ Yes ☐ No

8. does not comply with the FCC established guidelines regarding exposure to RF electromagnetic fields as described in OET Bulletin 65.

☐ Yes ☐ No

CONCLUSION

Applicants who answered “No” to all questions on this General Worksheet but who are relying on information **other than in our RF Worksheets** to support their RF compliance should submit a detailed explanation demonstrating their compliance.

Applicants who answered “Yes” to any question on this General Worksheet should submit an Environmental Assessment, which is described in the instructions for Section III-A.

RF EXPOSURE COMPLIANCE WORKSHEET/INSTRUCTIONS

Who may use these worksheets?

1. A directional AM station (i.e., one using a multiple tower array) that does not share its towers with any other non-excluded RF sources (including, but not limited to FM or TV transmitting antennas) and is located more than 315 meters (1,034 feet) from any other tower or non-excluded RF radiation sources; or
2. A non-directional Am station located on a single-use tower more than 315 meters (1,034 feet) from any other tower or other non-excluded RF radiation sources; or
3. An FM station on a single tower that may or may not support other FM stations (including FM translators and boosters) and that is more than 315 (1,034 feet) from any other tower or non-excluded RF sources.
4. An FM translator on a single tower that may or may not support other FM stations (including FM translators and boosters) that is more than 315 meters (1,034 feet) from any other tower or other non-excluded RF sources.

Ineligible Sites.

Please note that the applicant cannot use these worksheets if any of the following apply:

1. The application is for a television or digital television facility.
2. There are other towers or supporting structures with non-excluded (see 4 C.F.R. section 1.1307(b) RF sources within 315 meters of the tower;
3. There are TV antennas and/or other RF sources on the tower other than AM or FM antennae that are not categorically excluded from environmental processing by 47 C.F.R. Section 1.1307;

4. There is an FM, TV or other non-excluded RF source co-located within a multiple tower AM array;
5. The tower is located at a site where the terrain or a building or other inhabited structure (other than a transmitter building) within a 315 meter radius is higher than the level of the terrain at the base of the tower. **(Note:** Sites with transmitter buildings at the base of the tower are considered “eligible” provided that procedures are established in accordance with the methods described in OET Bulletin 65 to protect persons with access to such buildings from RF exposure in excess of the FCC-adopted limits.); or
6. AM towers where access is not restricted by fencing or other barrier that preclude casual or inadvertent access to the site and warning signs are not included at appropriate intervals describing the potential for RF exposure.

The above categories have been excluded from the RF worksheets not because of a propensity to cause excessive RF radiation, but because a determination of their compliance involves more complex calculations and measurements. If you are not eligible to use the RF worksheets, or elect not to use them, before reaching a determination with respect to your facilities you should review **OET Bulletin 65 and Supplement A** in order to properly evaluate your facility for compliance with the RF guidelines. The bulletin provides information and assistance on the RF guidelines, prediction methods, measurement procedures and instrumentation, methods for controlling exposure, and reference material. It will instruct the applicant on the type of data which may demonstrate compliance with the Commission’s RF guidelines in support of your response. If you continue to have trouble evaluating your site after consulting the Bulletin, you may want to seek the assistance of a qualified engineer in determining whether these facilities meet the FCC RF exposure guidelines.

Other Evaluations

These worksheets represent “worse case” calculations, and as such, should be used in your initial attempt to determine compliance. If use of the worksheet indicates that you exceed the RF guidelines, levels may still be acceptable based on more detailed evaluation of variables such as antenna type and vertical radiation patterns. In this case you may submit a statement explaining why your facilities do not exceed the RF exposure guidelines at locations where humans are likely to be present, or describing those measures or circumstances which will prevent or discourage humans from entering those areas where the RF levels exceed the guidelines or which will otherwise control access in accordance with the time-averaging limits described in the guidelines. See OET Bulletin 65 and Supplement A. This statement may include:

- (i) antenna radiation patterns showing that the site complies with the guidelines described in OET Bulletin 65
- (ii) measurements that show the site to comply with the FCC-adopted guidelines
- (iii) a description of what warning signs, fences or other barriers preclude excessive RF exposure
- (iv) any other statement necessary to demonstrate compliance with the RF guidelines

How to Use RF Worksheets

Attached are:

Worksheet #1 – FM translator & FM booster
Worksheet #1A-Multiple FM user Tower
Worksheet #2 – AM
Worksheet #2A – Multiple Tower array
AM Fence Distance Tables

FM Contributors:

- a. **Single Use Fm or Fm translator tower** – Use **Worksheet #1** to determine compliance with the FCC RF exposure limits.
 - b. **Multiple- on use FM (including translator & booster)** – Use **Worksheet #1A for each FM facility the tower to obtain an approximate power and antenna height and complete Worksheet #1 as above.**
-

AM Contributors:

- a. **Single Tower Site:** Use **Worksheet #2** to determine if the distance to the fence or other restrictive barrier provides adequate protection to the general public pursuant to FCC guidelines.
- b. **Multiple Tower Site** – Use **Worksheet #2 for each tower in the array** to determine if the tower is adequately distanced from the fence (or other restrictive barrier). This determination may be made by either of the following methods:
 - i. a “worse case” prediction could be made by assuming that all transmitted power is radiated from each tower. Use **Worksheet #2A** to list the power and fence distance for each tower. Then use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.
 - ii. use the actual transmitted power for each tower. Use **Worksheet #2A** to list transmitted powers and restriction distances for each tower. Then, use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.

If any single tower is not adequately distanced from the fence or restrictive barrier, you may not continue to use these worksheets.

CAUTION: Even if you conclude from the use of these worksheets that human exposure to RF electromagnetic fields is consistent with our guidelines, be aware that each site user must also meet requirements with respect to “on-tower” or other exposure by workers at the site (including RF exposure on one tower caused by sources on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users.

See OET Bulletin 65 for further details.

RF Worksheet #1 – FM (including translators & boosters)

PLEASE COPY BEFORE USING. THE DETERMINATION OF COMPLIANCE MAY INVOLVE REPEATED CALCULATIONS. IF LOCATED ON A MULTIPLE FM USER TOWER, PLEASE COMPLETE RF WORKSHEET 1A BEFORE PROCEEDING.

EFFECTIVE RADIATION CENTER HEIGHT

Enter proposed "height of radiation center above ground" OR as listed in line 1 _____ m (1)
of Worksheet 1A.

Is antenna supporting structure located on the roof of a building? (check one) ☐ Yes ☐ No (2)

If line 2 is "yes" enter the building height measured at the base of the antenna supporting structure in line 3

If line 2 is "no" enter "0" in line 3..... _____ m (3)

Subtract line (3) from line (1)..... _____ m (4)

Subtract the value 2.0 from line (4)..... _____ m (5)

TOTAL EFFECTIVE RADIATED POWER

(If "beam tilt" is utilized, list maximum values)

List Effective Radiated Power in the Horizontal Plane..... _____ kW (6)

List Effective Radiated Power in the Vertical Plane..... _____ kW (7)

Add Lines (6) and (7) OR list value from Line 2 in Worksheet 1A..... _____ kW (8)

PERCENTAGE OF FCC RF LIMIT(S) FOR MAXIMUM PERMISSIBLE EXPOSURE

Multiply Line (8) by 33.41 _____ (9)

Multiply the value listed in line (5) by itself..... _____ (10)

Divide Line (9) by Line (10) _____ (11)

Multiply Line (11) by (100) _____ (12)

DETERMINATION OF COMPLIANCE WITH CONTROLLED/OCCUPATIONAL LIMIT

Does Line (12) exceed 100%..... ☐ Yes ☐ No (13)

IF YOU ANSWERED "YES" IN LINE (13), THE WORKSHEETS MAY NOT BE USED IN THIS CASE.*

IF YOU ANSWERED "NO" IN LINE (13), THEN THE SITE SHOULD COMPLY WITH THE FCC'S CONTROLLED OCCUPATIONAL RF EXPOSURE LIMITS FOR GROUND LEVEL EXPOSURE

***In this case, you may need to prepare an Environmental Assessment.** See Instructions for Section III-C FCC Form 301.

DETERMINATION OF COMPLIANCE WITH THE UNCONTROLLED/GENERAL POPULATION LIMIT

Does line (12) exceed 20%..... ☐ Yes ☐ No (14)

IF YOU ANSWERED "NO" IN LINE (14), THEN THE SITE SHOULD COMPLY WITH THE FCC'S UNCONTROLLED/GENERAL POPULATION RF EXPOSURE LIMITS FOR GROUND LEVEL EXPSURE. NO FURTHER STUDY REQUIRED.

IF YOU ANSEWERED "YES" IN LINE (14), CONTINUE.

Rooftop with restricted access.

If you answered “yes” in Line (2) (indicating that the tower is located on the roof of a building), and the general public is not allowed access to the rooftop level, repeat lines 5 through 12, entering the value in Line (1) directly in Line (4). (If Multiple FM Use tower, recalculations should be in accordance with instructions on Worksheet #1A.) **Otherwise, go to the next section.**

Upon recalculation, Does Line (12) exceed 20%..... ☐ Yes ☐ No (15)

IF YOU ANSWERED “YES” IN LINE (15), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

IF YOU ANSWERED “NO” I LINE (15), THEN THE AREA AT GROUND LEVEL SHOULD COMPLY WITH THE FCC’S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

Access to base of tower restricted by fencing.

If the tower is not located on the roof of a building, is the base of the tower surrounded by fencing or other restrictive barrier and are appropriate warning signs posted on the fence that adequately detail the nature of the RF exposure environment contained therein?..... ☐ Yes ☐ No (16)

IF YOU ANSWERED “NO” IN LINE (16), THE WORKSHEET MAY NOT BE USED IN THIS CASE. *

If you answered “yes” in line (16), what is the distance from the base of the tower the fence or barrier at it’s nearest point..... _____ m (17)
Multiply Line (9) (as calculated previously) by 5..... _____ (18)
Subtract Line (10) (as calculated previously) from Line (18)..... _____ (19)
Take the square root of Line (17)..... _____ m (20)
Is Line (20) less than or equal to Line (17)..... ☐ Yes ☐ No (21)

IF YOU ANSWERED “YES” IN LINE (21), THEN THE RF FIELD OUTSIDE THE FENCE COMPLIES WITH THE FCC’S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED “NO” IN LINE (21), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

*** In this case, you may need to prepare an Environmental Assessment.** See instructions for Section III-C of FCC Form 301.

RF WORKSHEET #1A –Multiple FM User Tower

The procedure below will allow for a “worse-case” determination to be made in situations where several FM stations share a common tower. This determination is based upon the “worse case” assumption that all RF energy is emanating from a single antenna located at the same height (i.e. antenna center of radiation above ground level) as the lowest user on the tower.

Complete for all call signs.

For each call sign, **the total** of the Horizontal and the Vertical ERP’s must be used. If “beam tilt” is utilized, list maximum values.

COLUMN 1 CALL SIGN	COLUMN 2 HEIGHT OF ANTENNA RADIATION CENTER ABOVE GROUND LEVEL	COLUMN 3 TOATAL EFFECTIVE RADIATED POWER (HORIZONTAL AND VERTICAL)
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts

List the smallest value in Column 2..... _____ m (1)
List the total of all values in Column 3..... _____ kW (2)

The value listed in line (1) above must be used in line (1) on Worksheet 1.

The value listed in line (2) above must be used in line (8) on Worksheet 2.

Now complete worksheet 1 (except for lines 6 and 7).

RF WORKSHEET #2: AM

PLEASE COPY THIS WORKSHEET PRIOR TO USING. IN THE CASE OF A MULITPLE TOWER ARRAY, A COPY IS NECESSARY FOR EACH TOWER LISTED IN RF WORKSHEET #2A. See AM Instruction b. to “How to Use RF worksheets” on page 5 of Appendix A.

SINGLE TOWER

Enter the transmitted power..... _____ kW (1)

Enter the distance from the tower to the nearest point of the fence or other
restrictive barrier enclosing the tower..... _____ m (2)

DETERMINATION OF WAVELENGTH

Method 1: Electrical Height

The tower height in wavelength may be obtained from the electrical height in degrees of the radiator.

Electrical height of the radiator..... _____ degrees (3a)

Divide Line 3(a) by 360 degrees..... _____ wavelength (3b)

Method 2: Physical height

Alternatively, the wavelength may be obtained from the physical height of the radiator above the tower base and the frequency of the station.

Overall height of the radiator above the tower base..... m (4a)
 List the station's frequency..... kHz (4b)
 Divide 300,000 by line (4b)..... m (4c)
 Divide Line (4a) by Line 4(c) wavelength (4d)

REQUIRED RESTRICTION DISTANCE

Use the appropriate AM fence distance table based on the wavelength determined in either Line (3b) or Line (4d) above. If the transmitted power is not listed in the table, use next highest value (e.g., if the transmitted power is 2.5 kW, use the fence value in the 5 kW column).

List the fence distance obtained from the appropriate table..... m (5)

Is the value listed in Line (5) less than or equal to the value listed in Line (2)? ☐ Yes ☐ No (6)

If line (6) is "Yes," are warning signs posted at appropriate intervals which describe the nature of the potential hazard? ☐ Yes ☐ No (7)

IF EITHER LINE (6) OR LINE (7) WAS ANSWERED "NO", you may need to prepare an Environmental Assessment. However, in order to determine the need for such an Assessment please see the NOTE on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled "Environmental Assessment."

IF BOTH LINE (6) AND LINE (7) WERE ANSWERED "YES", it appears that this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF fields caused by other facilities on the tower, or RF fields caused by facilities on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. See OET Bulletin 65 for more details.

RF WORKSHEET #2A Multiple Tower AM Array

Do not use this table if there are FM, TV or other non-excluded RF sources on any single tower of the array.

Tower Number	Transmitted Power (kW)	Distance to Fence (meters)
1		
2		
3		
4		
5		
6		
7		

8		
9		
10		
11		
12		

If each tower listed above meets the distance requirements of the worksheet #2, it appears this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to “on-tower” or other exposure by workers at the site. These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. See OET Bulletin 65 for more details.

If the distance from the base of the tower to the fence is less than the value listed above, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an Assessment please see the NOTE on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled “Environmental Assessment.”

AM FENCE DISTANCE TABLES

TABLE 1. Predicted Distances for Compliance with FCC Limits: 0.1-0.2 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	13	7	6	3
750-940	12	7	5	3
950-1140	11	6	5	3
1150-1340	10	6	5	3
1350-1540	10	6	5	3
1550-1705	10	6	5	3

TABLE 2. Predicted Distances for Compliance with FCC Limits: 0.21-0.4 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	2	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	5	2	2	1

TABLE 3. Predicted Distances for Compliance with FCC Limits: 0.41-0.55 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	2
750-940	4	2	2	2
950-1140	4	2	2	1
1150-1340	4	2	2	2
1350-1540	4	2	2	2
1550-1705	4	3	2	1

TABLE 4. Predicted Distances for Compliance with FCC Limits: 0.56-6255 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	4	2	2	2

Section IV – To be Completed by TV and Class A TV licensing only.**1. Commission Reports****Item 1: Ownership Reports.**

This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 C.F.R. 73.3615. Each licensee of an AM, FM, and TV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) or 323-E (non-commercial) every two years on the anniversary of the date that its renewal application is required to be filed. Licensees owning more than one broadcast station with different anniversary dates need to file only one Report every two years on the anniversary of their choice, provided that they are not more than two years apart. A licensee with a current and unamended Report on file at the Commission may certify that it has reviewed its current Report and that it is accurate by validating electronically its previously filed report.

Licensees of Class A TV broadcast stations are not required to submit biennial ownership reports, and should not respond to item 1a.

Note: FCC Form 323 and 323-E must be filed electronically. Paper versions of these forms will not be accepted for filing unless accompanied by an appropriate request for waiver of the electronic filing requirement.

Item 2: EEO Program

Each licensee of a TV and class A TV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin, etc. *See* 47 C.F.R. Section 73.2080. Pursuant to these requirements, a licensee renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed.

Additionally, each licensee must place in the station's public inspection file annually AND POST ON THE STATIONS'S WEBSITE, if any, a report containing lists of (1) all full-time vacancies filled during the proceeding year, identified by job title; (2)

Item 3: Local Public File. Commercial and noncommercial educational TV and Class A TV licensees must maintain certain documents pertaining to its station in a file that is usually kept at the station's main studio or other accessible place in the community of license. The file must be available for inspection by anyone during regular business hours. The documents to be maintained generally include applications for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; and quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months. A complete listing of the required documents and their mandatory retention periods is set forth in 47 C.F.R. Sections 73.3526 and 73.3527. Applicants who have not so maintained their file should provide an exhibit identifying the items that are missing/late filed, and identifying steps taken to reconstruct missing information, and to prevent such problems in the future.

Item 4: Violent Programming. This question should be completed by commercial and noncommercial educational TV and Class A TV applicants. On February 8, 1996 the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) was approved. That legislation, among other things, amended Section 308 of the Communications Act of 1934 to require television broadcast station renewal applicants to submit a summary of complaints received from the public regarding violent programming aired by their stations. Licensee certifies that no written comments or suggestions have been received from the public that comment on its station's programming and characterize that programming as constituting violent programming.

Item 5: Children's Programming Commercial Limitations. Commercial TV and Class A commercial television licensees must limit the amount of commercial matter in "children's programming", which is defined for this purpose as programming originally produced and broadcast primarily for an audience of children 12 years of age and under. The children's programming commercial limitations are no more than 12 minutes of commercial matter per hour on weekdays, and no more than 10.5 minutes of commercials on weekends. The limits also apply pro rata to children's programs which are 5 minutes or more and which are not part of a longer block of children's programming. There are no restrictions on how commercials within the limits are configured within an hour's block of children's programming, i.e., it is not necessary to prorate the commercial limits for separate children's programs within the hour.

Item 6: Children's Programming. Each commercial TV and Class A TV licensee is required to describe in its renewal application its efforts to serve the educational and information needs of children. Programming directed to the educational and informational needs of children is an identifiable unit of program material that is not a commercial or promotional announcement, that is originally produced and broadcast for an audience of children 16 years of age and under, and that furthers the positive development of the child in any respect, including, but not limited to, the child's cognitive/intellectual or emotional/social needs.

Each year, on a quarterly basis, each commercial TV and Class A TV licensee is required to prepare and electronically file a Children's television Programming Report (FCC Form 398), setting forth the efforts made by the licensee during the quarter, as well as efforts planned for the next quarter, to serve the educational and

informational needs of the children. FCC Form 398 is required to be filed with the Commission and a copy placed in the station's public inspection file by the tenth day of the preceding calendar quarter (i.e., by April 10 for the first quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). Incorporating by reference previously filed FCC Form 398's satisfies the children's program information thought to be elicited by the FCC Form 303-S.

Item 7: CORE Programming. Programming that is specifically designed to serve the educational and informational needs of children and that also satisfies each of the following criteria:

- (1) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) the program is aired between the hours of 7:00 a.m. and 10 p.m.
- (3) the program is a regularly scheduled weekly program;
- (4) the program is at least 30 minutes in length;
- (5) the educational and information objective of the program and the target child audience are specified in writing in the licensee's Children's Television Programming report, as described in 47 C.F.R. Section 73.3526(a)(8)(iii); and
- (6) instructions for listing the program as educational and informational, including an indication of the age group for which the program is intended, are provided to publishers of program guides.

When the licensee has broadcasted three hours per week (averaged over a six-month period) of Core Programming, it will be deemed to have satisfied its obligation to meet the educational and informational needs of children. A licensee will also be deemed to have satisfied this obligation (and be similarly eligible for Commission staff approval of its children's programming showing), where the licensee sets forth in an exhibit that it has aired an assortment of different types of educational and informational programming that, while somewhat less than three hours per week of CORE programming, demonstrates a level of commitment to educating and informing children that it is at least equivalent to airing three hours per week of CORE programming.

Items 8, 9, and 10: To assist parents in planning and selecting programs for their children to watch, the Commission has established various public information initiatives. In accord with these initiatives, a licensee is required to identify CORE programming at the time those programs are aired in a form that is at the sole discretion of the licensee; to disseminate information identifying the station's CORE programming to publishers of program guides and listings; and to publicize the existence and location where the public can access information regarding the station's informational and educational children's programming efforts.

Item 11: An applicant may provide any other comments or information it wishes the Commission to consider in evaluating whether the licensee has met its obligations under the Children's Television Act and the Commission's rules. This may include, but is not limited to, information on any non-core educational and informational programming that the station plans to air, as well as information on any existing or proposed non-broadcast activities that the licensee believes enhance the educational and informational value to children of the licensee's educational programming.

Item 12: Continued Class A Eligibility. On November 29, 1999, the Community Broadcasters protection Act of 1999 was signed into law. That legislation provides that a low power television licensee may convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria. To become eligible for a Class A certificate of eligibility, the licensee's station must, during the 90-day period ending November 28, 1999, have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station or by a group of commonly-controlled low power television stations; and (3) been in compliance with the Commission's regulations applicable to the low power television service. The legislation also provided that a

licensee obtaining Class A designation shall continue to be accorded primary status as a television broadcaster as long as its station continues to meet the requirements of (1) and (2) above.

Item 13: Discontinued Operations. Section 312(g) of the Communications Act of 1934, 47 U.S.C. Section 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has no discretion to reinstate a broadcast license that has expired pursuant to Section 312(g). *See OCC Acquisition, Inc.*, 17 FCC Rcd 6147 (2002). Additionally, a station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. *See Letter to Idaho Broadcasting Consortium*, 16 FCC Rcd 1721 (M.M. Bur. 2001). Accordingly, this item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering “Yes” to this question, the applicant is considered to be certifying that: (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, its license renewal application will be dismissed and the Commission’s data base will be amended to reflect the expiration of the station’s license.

Item 14: Silent Station. The Commission will not review the license of a station that is not broadcasting. *See Birach Broadcasting Corporation*, 16 FCC Rcd 5015 (2001). “Broadcasting” means “the dissemination of radio communications intended to be received by the public.” 47 C.F.R. 153(6). Accordingly, this item requires the applicant to certify that its commercial TV or Class A TV broadcast station is currently transmitting signals intended to be received by the public. An application may not answer “yes” to this question if the station is transmitting only “test signals.”

Note: A non-commercial educational TV broadcast station is expected to provide continuous service except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, as well as the actual hours of operation during the entire license period, shall be taken into consideration in the renewal of the station’s license. *See* 47 C.F.R. Section 73.1740(b).

Item 15. Environmental Effects. TV and Class A TV renewal applications must review the instructions for Section III, item 6, of this form before completing this form.

INSTRUCTIONS FOR SECTION V: - To Be Completed BY FM and TV Translator and Low Power/TV Licensees Only

Item 1. Station Information. The applicant should identify the FM and TV translator and LPTV station(s) for which license renewal is requested, setting forth the station’s call letters and facility identifier and the area to which the station is licensed to serve.

Item 2. An FM or TV translator or LPTV is expected to provide continuous service except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more, except for causes

beyond the control of the licensee, shall be deemed evidence of discontinuation of operation and the licensee of the translator or LPTV station may be cancelled at the discretion of the FCC. See 47 C.F.R. Sections 74.763 and 74.1263. Section 325(a) of the Communications Act of 1934, as amended, prohibits the rebroadcast of the programs of a broadcast station without the express authority of the originating station. Where the renewal applicant is not the licensee of the originating station, written authority must be obtained prior to any rebroadcasting. Also, where the licensee has changed the station being rebroadcast, written notification must be made to the Commission in accordance with 47 C.F.R. Section 74.784 or 74.1251.

Item 3a. The provisions of 47 C.F.R. Section 74.1232(d) provide that an authorization for an other area FM translator (i.e., an **FM translator** station whose coverage contour extends beyond the protected contour of the commercial primary station) will not be granted to the licensee of a commercial FM radio broadcast station, or to any person or entity having any interest or connection with the primary FM station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates.

Item 3b. The provisions of 47 C.F.R. Section 74.2132(e) provide that an authorization for an other area FM translator (i.e., an **FM translator** station whose coverage contour extends beyond the protected contour of the commercial primary station) shall not receive any support, before, during or after construction, either directly or indirectly, from the commercial primary FM radio broadcast station, or from any person or entity having any interest or connection with the primary FM station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates.

Item 4. Each licensee of an LPTV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin, etc. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, a licensee renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed. Additionally, each licensee must maintain with its station's records, AND POST ON THE STATION'S WEBSITE, if any, an annual report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title.

Item 5. Environmental Effects. FM and TV translator and LPTV renewal applicants must review the Instructions to Section III, Item 5, of this form before completing this item.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information requested in this report. We will use the information provided in this report to assess compliance with the Commission's regulations and policies. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your report may be disclosed to the Department of Justice or a court or

adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclose to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the report may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 2.25 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0110), Washington, DC 20554. We will also accept your comments via the Internet if you send the jboley@fcc.gov. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember- you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0110.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.